

Richard B. Gullen (SBN 144513)
ROSSI, HAMERSLOUGH, REISCHL & CHUCK
1960 The Alameda, Suite 200
San Jose, CA 95126-1493
Tel: (408) 261-4252
Fax: (408) 261-4292

Attorneys for Secured Creditor,
Helen McAbee

Stephen D. Finestone (125675)
Jennifer C. Hayes (197252)
FINESTONE HAYES LLP
456 Montgomery Street, 20th Floor
San Francisco, California 94104
Phone: (415) 421-2624
Fax: (415) 398-2820
sfinestone@fhllawllp.com

Attorneys for Interested Party
Bernadette Cattaneo

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
MODESTO DIVISION

In re

ANDREAS ABRAMSON,

Debtor.

Case No. 18-90258
Chapter 7

**JOINT SUPPLEMENTAL BRIEF ON
MOTION TO AVOID JUDGMENT LIEN**

Hearing

Date: February 14, 2019
Time: 10:30 a.m.
Dept: E
Place: 1200 I Street, Suite 4
Modesto, California 95354

Judge: Hon. Ronald H. Sargis

Judgment Creditor, Helen McAbee (“McAbee”) and Interested Party Bernadette Cattaneo (“Cattaneo” and collectively with McAbee the “Objecting Parties”) submit the following brief to supplement the briefing that has already occurred in this matter.

1 The Court needs to decide the value of the residence located at 83 Sanguinetti Court,
2 Copperopolis, California (the “Property”) and, based on that valuation, determine the amount of
3 the McAbee Judgment Lien. The parties previously submitted extensive briefing on the
4 interpretation of Bankruptcy Code Section 522(f) and its application in what is colloquially
5 referred to as the “Sandwich Lien” scenario.

6 The Court issued a lengthy tentative ruling on its interpretation of Section 522 and heard
7 brief argument on the matter. The Objecting Parties agree with the Court’s analysis and as such
8 did not see the need to move forward with the depositions of the Debtor or his father, Michael
9 Abramson, with respect to the validity and amount of Michael Abramson’s junior deed of trust.

10 With respect to the valuation issue, the Objecting Parties will submit the expert testimony
11 of Roxana Stobaugh, Aaron Stafford and John Tyler.

12 Ms. Stobaugh is a licensed appraiser and has appraised the Property at \$1,600,000. She
13 has extensive experience appraising properties in the immediate area to where the Property is
14 located. Her direct testimony declaration and a copy of her appraisal are being filed along with
15 this brief.

16 Mr. Stafford is a real estate broker with long-time experience in the specific area where
17 the Property is located. Mr. Stafford has represented 149 parties in transactions involving real
18 estate on Lake Tulloch, the lake on which the Property is located. Mr. Stafford’s relevant
19 experience and expertise includes representing parties on the two most comparable sales, one in
20 2017 and another in 2018, both on the same road as the Property and located within
21 approximately 100 yards of the Property. Mr. Stafford issued an opinion of value that the
22 Property is worth \$1,725,000. His direct testimony and his opinion are filed along with the brief.

23 Finally, Mr. Tyler will provide expert testimony regarding the repair costs for the deck
24 located on the Property. Debtor asserts that the deck needs replacing and the sizeable cost of
25 doing so will dramatically lower the value. Mr. Tyler’s direct testimony and his bid for repairing
26 the deck are filed concurrently with this brief.

1 In short, the Objecting Parties contend that Debtor's asserted value is unreasonably low,
2 as it suggests that the Property has lost value since 2012 and as such is perhaps the only property
3 in California to have done so.

4
5 DATED: February 5, 2019

FINESTONE HAYES LLP

6
7 /s/ Stephen D. Finestone

8 Stephen D. Finestone
9 Attorney for Bernadette Cattaneo
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28